MELINDA HAAG (CABN 132612) 1 United States Attorney 2 MIRANDA KANE (CABN 150630) Chief, Criminal Division 3 EÒËZŠÒÖÄÄ FFEFFHE 4 TIMOTHY J. LUCEY (CABN 172332) Assistant United States Attorney 5 150 Almaden Boulevard, Suite 900 San Jose, California 95113 6 Telephone: (408) 535-5054 Fax: (408) 535-5066 7 E-Mail: timothy.lucey@usdoj.gov 8 Attorneys for United States of America 9 10 UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA 11 SAN JOSE DIVISION 12 UNITED STATES OF AMERICA, No. CR 12 - 0808 DLJ 13 Plaintiff. 14 STIPULATION AND [] ORDER 15 v. RESAT OTUS NURI, 16 aka Otus Resat Nuri, 17 aka Resat Nuri Otus, aka Nuri Resat Otus, 18 aka Resat. aka Otus, aka Nuri, 19 20 Defendant. 21 22 WHEREAS, the parties were scheduled for a status hearing before this Court on 23 24 April 11, 2013; WHEREAS, defense counsel is continuing to review documents and data in connection 25 26 with evaluating and analyzing this matter and government is in the process of responding to additional discovery issues raised by the defendant; 27 WHEREAS, in light of the foregoing, counsel for the parties jointly agree and stipulate 28 STIPULATION AND [] ORDER [U.S. v. NURI CR 12 - 0808 DLJ]

that a continuance of this matter is appropriate in order to ensure effective preparation of counsel 1 2 and continuity of counsel, pursuant to 18 U.S.C. § 3161(h)(7), and that based on their respective 3 calendars and the period needed for the aforementioned discovery matters, an appropriate date 4 for a status hearing is Thursday, May 23, 2013; 5 THEREFORE, the parties mutually and jointly stipulate that the matter be continued until 6 May 23, 2013, and further jointly stipulate and agree that time should be excluded from April 11, 7 2013, up to and including May 23, 2013. The parties agree that excluding time until May 23, 2013, is necessary, given the need to maintain continuity of counsel. The parties also agree that 8 failing to grant a continuance would deny counsel for the defense the reasonable time necessary 9 10 for effective preparation and continuity of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7). Finally, the parties agree that the ends of justice served 11 by excluding time from April 11, 2013, until May 23, 2013, outweigh the best interest of the 12 public and the defendant in a speedy trial. <u>Id.</u> § 3161(h)(7). 13 IT IS SO STIPULATED. 14 15 **MELINDA HAAG** United States Attorney 16 17 DATED: April 9, 2013 18 TIMOTHY J. LUCEY 19 Assistant United States Attorney 20 21 DATED: April 9, 2013 22 23 Attorney for RESAT OTUS NURI 24 **ORDER** 25 26 For good cause shown, the Court enters this order excluding time from April 11, 2013, up to and including May 23, 2013. Specifically, the parties agree, and the Court finds and holds 27

that such that time should be excluded until May 23, 2013, and furthermore that failing to grant a

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continuance and exclude time until May 23, 2013, would unreasonably deny the defendant effective preparation of counsel and continuity of counsel, taking into account the exercise of due diligence. See 18 U.S.C. § 3161(h)(7).

Finally, the parties agree, and the Court finds and holds, that the ends of justice served by excluding time from April 11, 2013, through May 23, 2013, outweigh the best interest of the public and the defendant in a speedy trial. <u>Id.</u> § 3161(h)(7).

IT IS SO ORDERED.

DATED: I FEETH

HON. D. LOWELL JENSEN United States District Court